

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

904X0504

HOUSE BILL NO. 1134

Introduced by: Representatives Johns, Duvall, Solum, and Wiik and Senator Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to provide for access to certain property for the purpose of
2 making surveys.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 21-35 be amended by adding a NEW SECTION to read:

5 In a case when land is required for public use, the person in charge of the public use may
6 survey and locate the land. However, the land must be located in the manner that is compatible
7 with the greatest public benefit and the least private injury and subject to court order made
8 pursuant to this chapter. Whoever is in charge of the public use may enter upon the land and
9 make examinations, surveys, and maps. Entry pursuant to this section does not constitute a
10 claim of relief in favor of the owner of the land except for an injury resulting from negligence,
11 wantonness, or malice.

